

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 17, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

ZONA GAIL SPAETH, as Personal
Representative of the Estate of Amelia
Luera, and on behalf of statutory
beneficiaries Angela Luera and Anthony
Luera,

Plaintiff,

vs.

PINNACLE BIOLOGICS, INC., a
Delaware Corporation, ADVANZ
PHARMA, CORP., a Delaware
Corporation, GIOVANNI BADINI, an
individual, AGILITI HEALTH, INC., a
Delaware Corporation, and JOHN
DOES 1-10,

Defendants.

No. 2:22-cv-00048-MKD

ORDER GRANTING PLAINTIFF'S
MOTION TO REMAND

ECF No. 3

Before the Court is Plaintiff's Motion to Remand this matter to Spokane
County Superior Court, ECF No. 3. Defendants Pinnacle Biologics, Inc. and
Advanz Pharma, Corp. ("Defendants") do not oppose Plaintiff's Motion to

1 Remand. *See* ECF No. 5. The Court has reviewed the motion, the record, and is
2 fully informed. Being fully advised, the Court grants Plaintiff's Motion Remand.

3 **BACKGROUND**

4 On May 11, 2022, the Court granted Plaintiff's Motion to Amend
5 Complaint, ECF No. 3. *See* ECF No. 6. On May 16, 2022, Plaintiff filed an
6 Amended Complaint adding Giovanni Badini ("Badini") and Agiliti Health Inc.
7 ("Agiliti") as defendants. *See* ECF No. 7. Plaintiff's Amended Complaint alleges
8 Badini is a citizen of Washington State and Agiliti is a Delaware Corporation.

9 **ANALYSIS**

10 Federal courts have original jurisdiction over civil actions where the amount
11 in controversy exceeds \$75,000 and the case is between citizens of different states.
12 28 U.S.C. § 1332(a). Diversity jurisdiction under 28 U.S.C. § 1332(a) requires that
13 each plaintiff be diverse from each defendant. *Exxon Mobil Corp. v. Allapattah*
14 *Servs., Inc.*, 545 U.S. 546, 553 (2005) (citing *Owen Equipment & Erection Co. v.*
15 *Kroger*, 437 U.S. 365, 375 (1978)).

16 Plaintiff's Motion to Remand asserted that once Plaintiff amended her
17 Complaint to add Badini, there will no longer be complete diversity as Bandini and
18 Plaintiff are both citizens of Washington. Defendants do no contest Plaintiff's
19 assertion. The addition of Badini as a defendant has indeed defeated diversity.
20 Accordingly, the Court GRANTS Plaintiff's Motion to Remand.

1 Accordingly, **IT IS ORDERED:**

2 1. Plaintiff's Motion to Remand to Spokane County Superior Court,
3 **ECF No. 3**, is **GRANTED**.

4 2. This matter shall be **REMANDED** to Spokane County Superior
5 Court.

6 3. All pending motions shall be **DENIED as moot** and all hearings and
7 other deadlines shall be **STRICKEN**.

8 4. Defendants' Answers to Plaintiff's Amended Complaint will be filed
9 in Spokane County Superior Court.

10 **IT IS SO ORDERED.** The District Court Executive is directed to file this
11 order, provide copies to the parties, and remand the matter to Spokane County
12 Superior Court.

13 DATED May 17, 2022.

14 *s/Mary K. Dimke*
15 MARY K. DIMKE
16 UNITED STATES DISTRICT JUDGE
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